

HHR

FILED

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8-22-2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

Tyron Bowens

(Full name and prison number)

(Include name under which convicted)

PETITIONER

vs.

Eddie Jones

(Warden, Superintendent, or authorized person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank **only if judgment attacked imposes a sentence to commence in the future**)

ATTORNEY GENERAL OF THE STATE OF

IL

(State where judgment entered)

CASE NO: 08-03883

(Supplied by Clerk of this Court)

Charles Norgle

Case Number of State Court Conviction:

## AMENDED PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY

1. Name and location of court where conviction entered: Bridgeview Court house
2. Date of judgment of conviction: 2-21-07
3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)  
Residential Burglary 5 counts
4. Sentence(s) imposed: recommendation Boot camp (6 years)
5. What was your plea? (Check one)
 

(A) Not guilty	<input type="checkbox"/>
(B) Guilty	<input checked="" type="checkbox"/>
(C) Nolo contendere	<input type="checkbox"/>

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

**PART I - TRIAL AND DIRECT REVIEW**

1. Kind of trial: (Check one):      Jury ( )      Judge only ()
2. Did you testify at trial?      YES ( )      NO ()
3. Did you appeal from the conviction or the sentence imposed? YES () NO ( )

(A) If you appealed, give the

- (1) Name of court: Bridgeview
- (2) Result: motion denied
- (3) Date of ruling: unsure
- (4) Issues raised: mental condition

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(B) If you did not appeal, explain briefly why not:

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4. Did you appeal, or seek leave to appeal, to the highest state court? YES ( ) NO ()
- (A) If yes, give the
  - (1) Result: \_\_\_\_\_
  - (2) Date of ruling: \_\_\_\_\_
  - (3) Issues raised: \_\_\_\_\_

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(B) If no, why not: My lawyer stated there was nothing that could be done

5. Did you petition the United States Supreme Court for a writ of *certiorari*? Yes ( ) No ()

If yes, give (A) date of petition: \_\_\_\_\_ (B) date *certiorari* was denied: \_\_\_\_\_

**PART II - COLLATERAL PROCEEDINGS**

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES  NO

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: Bridgeview Court house

B. Date of filing: unsure

C. Issues raised: conditions of confinement

D. Did you receive an evidentiary hearing on your petition? YES  NO

E. What was the court's ruling? motion stricken

F. Date of court's ruling: unsure

G. Did you appeal from the ruling on your petition? YES  NO

H. (a) If yes, (1) what was the result? \_\_\_\_\_

(2) date of decision: \_\_\_\_\_

(b) If no, explain briefly why not: My lawyer was not trying to help

I. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES  NO

(a) If yes, (1) what was the result? \_\_\_\_\_

(2) date of decision: \_\_\_\_\_

(b) If no, explain briefly why not: Could not obtain an attorney

2. With respect to this conviction or sentence, have you filed a petition in a state court using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES ( ) NO (x)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding \_\_\_\_\_
2. Date petition filed \_\_\_\_\_
3. Ruling on the petition \_\_\_\_\_
4. Date of ruling \_\_\_\_\_
5. If you appealed, what was the ruling on appeal? \_\_\_\_\_
6. Date of ruling on appeal \_\_\_\_\_
7. If there was a further appeal, what was the ruling? \_\_\_\_\_
8. Date of ruling on appeal \_\_\_\_\_

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in federal court? YES ( ) NO (x)

A. If yes, give name of court, case title and case number: \_\_\_\_\_

B. Did the court rule on your petition? If so, state

- (1) Ruling: \_\_\_\_\_
- (2) Date: \_\_\_\_\_

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES ( ) NO (x)

If yes, explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**PART III - PETITIONER'S CLAIMS**

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

**BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.**

(A) Ground one Held over 48 hrs

Supporting facts (tell your story briefly without citing cases or law):

Arrested August 15, 2006 appeared in Bond court August 19, 2006 1pm, The police and County Clerks office intentionally fabricated evidence of documents that show stamped files of August 19, 2006. The transcript obtained from the Court reporters office shows he was not released until August 19, 2006 to appear in Bond court

(B) Ground two Police Misconduct

Supporting facts:

Tyron was driven around and brutalized by police, they told him to point out some houses and say he burglarized them. He was then subject to improper long interrogation and coercive methods, deprived of sleep then finally told if he signed the papers he would be able to go home. Those papers were a confession,

(C) Ground three  
Supporting facts:

Mental disability

His mental condition prohibits Him  
from being accountable to any questions  
without anyone being their to represent me  
anyway.

(D) Ground four  
Supporting facts:

He was sentenced to 6 years but recommended  
for boot-camp however he was not stable  
for boot camp but he is being treated for  
his mental condition, however not in a mental  
setting. A false error occurred that he somehow  
obtained several tickets that put him in a  
maximum security prison and added 3 years  
to his sentence. Where he is locked up 24 hrs  
a day.

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES ( ) NO NO

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:

Could not obtain counsel

**PART IV – REPRESENTATION**

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(A) At preliminary hearing Gary Adair  
(B) At arraignment and plea Gary Adair  
(C) At trial Gary Adair  
(D) At sentencing Gary Adair  
(E) On appeal George Pappas  
(F) In any post-conviction proceeding Zedrick Braden / Robert Kerr  
(G) Other (state): \_\_\_\_\_

**PART V – FUTURE SENTENCE**

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES  NO

Name and location of the court which imposed the sentence: \_\_\_\_\_

Date and length of sentence to be served in the future \_\_\_\_\_

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: 8-20-08  
(Date)

Mister Jeffry Brown  
Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Syron Brown  
(Signature of petitioner)

R59619  
(I.D. Number)

700 W Lincoln Pentrice IL  
(Address)

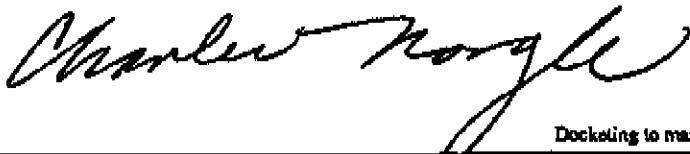
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**United States District Court, Northern District of Illinois**

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 3883	DATE	7-25-08
CASE TITLE	U.S. ex rel. Tyron Bowens (#-59619) v. Eddie Jones		

**DOCKET ENTRY TEXT:**

Petitioner is given 30 days to submit an amended petition for a writ of habeas corpus. The Clerk is directed to send petitioner the form for an amended petition for a writ of habeas corpus and instructions for filing along with a copy of this order. Petitioner should use the same case number on the amended petition, and should submit a service copy and a judge's copy. Failure to comply with this order may result in dismissal of this case.



Docketing to mail notices.

■ [For further details see text below.]

**STATEMENT**

Petitioner Tyron Bowens, currently incarcerated at Pontiac Correctional Center, has filed a petition for habeas corpus relief and has paid the \$5.00 filing fee. However, it is unclear what claims petitioner is raising. A habeas petitioner must state the grounds for each of his claims and briefly state the facts supporting each claim. See Rule 2(c) of the Rules Governing Section 2254 Cases. *Mayle v. Felix*, 545 U.S. 644, 656 (2005). In the current petition, petitioner appears to state both claims challenging his conviction and sentence, as well as claims challenging conditions of his confinement, such as failure to protect. Petitioner should only bring in his petition for habeas relief claims that challenge his conviction and sentence. Claims challenging conditions of his confinement should be brought in a separate civil rights suit under 42 U.S.C. § 1983. See *Glaus v. Anderson*, 408 F.3d 382, 387 (7th Cir. 2005) (claims that challenge the need for medical treatment in prison do not affect the duration of the prisoner's sentence or validity of his conviction and must be brought in a § 1983 civil rights action, as opposed to a habeas petition).

Accordingly, Petitioner is given 30 days from the date of this order to submit an amended petition that states his challenges to his conviction or sentence. The amended petition must be on the form required under Local Rule 81.3(a) of this Court. Petitioner must write both the case number and the judge's name on the petition and return the originally filled out and signed form and a copy for the judge and a copy for the Attorney General to the Prisoner Correspondent. Petitioner is advised to keep a copy for his files. If Petitioner chooses to make conformed copies, as opposed to photo copies, he may then request more copies of the amended petition form from the Prisoner Correspondent. Petitioner's failure to comply with this order in 30 days may result in dismissal of this case without prejudice.

Courtroom Deputy  
Initials:

lsk